



**BOARD OF CORRECTION  
CITY OF NEW YORK**

# **Recent Trends in Lockdowns in New York City Department of Correction Facilities**

**October 24, 2022**

## **I. INTRODUCTION AND BACKGROUND**

In recent months, there has been mounting evidence, including first-hand observations by Board members and staff, that the New York City Department of Correction (DOC or Department) has been locking down housing units for longer durations and with greater frequency. This trend is most apparent at the Robert N. Davoren Center (RNDC), where the majority of young adults, ages 18 through 21, in DOC custody are housed, and at the George R. Vierno Center (GRVC), which generally houses adults who are considered high classification or maximum security.

Lockdowns impede the ability of DOC and Correctional Health Services (CHS) to provide people in custody with Minimum Standards-mandated services, such as access to health and mental health services, visits, law library, religious services, telephones, recreation, showers, and educational services and programs. Accordingly, lockdowns also contribute to growing tension in the facilities.

In this report, we identify recent trends in the Department's use of lockdowns.

### **A. MINIMUM STANDARDS AND DOC POLICY**

The Minimum Standards permit DOC to lock people in their cells involuntarily only under the following circumstances:

- At night for count or sleep, not to exceed eight hours in any 24-hour period;
- During the day for count or required facility business that can only be carried out while people are locked in, not to exceed two hours in any 24-hour period. This time may be extended if necessary to complete an off count.

Minimum Standard § 1-05(b)(1)-(2). The Board promulgated this law recognizing that the time people in custody are locked inside their cells involuntarily should be "kept to a minimum" and should be required "only when necessary for the safety and security of the facility."<sup>1</sup>

In general, DOC's policy on lock-outs and lock-ins, permits people in custody to be locked out of their cells for up to 14 hours per day.<sup>2</sup>

The Department maintains three scheduled mandatory lock-ins per day, when all people in custody must be locked inside their cells or dormitories: (1) 7:00 to 8:00 a.m., (2) 3:00 to 4:00 p.m., and (3) 9:00 p.m. to 5:00 a.m. However, consistent with the Minimum Standards, DOC policy also permits staff to lock down housing areas or facilities as a "last resort," for a range of enumerated safety- and security-related reasons. They include investigations following violent incidents, to avoid serious violent incidents, to conduct searches for contraband, and to restore

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<sup>1</sup> This regulation is codified in Title 40 of the Rules of the City of New York.

<sup>2</sup> See NEW YORK CITY DEP'T OF CORRECTION, DIRECTIVE NO. 4009 R-C, LOCK-IN / LOCK-OUT (eff. date 10/2/20).

order.<sup>3</sup> When a housing unit is locked down, people in custody must be inside their cells and all movement, services, and programming cease.

## **B. DOC REPORTING ON EMERGENCY LOCK-INS**

There is substantial variability in how the Department reports emergency lock-in locations and duration, as some individual reports provide aggregate information on emergency lock-ins that occur concurrently across multiple housing units, while other report information on emergency lock-ins by individual housing unit.<sup>4</sup>

However, at least with respect to RNDC in September 2022, Board staff found that most reported emergency lock-ins involved one housing area and lasted approximately five hours.<sup>5</sup>

Moreover, the reported total counts or duration of the involuntary lock-ins does not always track the total duration of lock-ins experienced by people in custody, particularly in situations where the lockdowns continue into any of three daily mandatory lock-ins, at 7:00 a.m., 3:00 p.m., and at 9:00 p.m.

## **II. KEY FINDINGS**

1. There has been a significant increase of the Department's use of emergency lock-ins since February 2022. In the summer of 2022, DOC reported its highest rate of emergency lock-ins since January 2019.
2. Over the first nine months of 2022, the incidence of reported emergency lock-ins was disproportionately concentrated at two jails—GRVC and RNDC.
  - a. Together, the reported lock-ins at GRVC and RNDC constituted 80.0% (n=766) of all reported emergency lock-ins Department-wide during that period.
  - b. In June 2022, the rate of reported emergency lock-ins (per 1000 people in custody (PIC)), was 435.4% higher at GRVC (130.1) compared to the Department-wide rate (24.3).

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<sup>3</sup> See *id.*

<sup>4</sup> There is some indication that the Department may be underreporting the incidence of emergency lock-ins, despite DOC policy that requires lock-ins to be reported to the Department's Central Operations Desk (COD). See NEW YORK CITY DEP'T OF CORRECTION, DIRECTIVE NO. 4009 R-C, LOCK-IN / LOCK-OUT (eff. date 10/2/20). For instance, during an unannounced visit to GRVC in June 2022, Board staff came upon a General Population (GP) housing unit that clearly was locked down. Correction officers assigned to that area explained to Board staff that the unit was on lockdown due to insufficient uniformed staffing. The next day, Board staff reviewed the Central Operations Desk (COD)-generated 24-Hour Report for the date of that visit and was unable to locate a report in connection with that lockdown.

<sup>5</sup> Board staff's review of the 84 reported emergency lock-ins at RNDC in September 2022 revealed that 62% of reported emergency lock-ins involved a single housing area and lasted an average of 5 hours and 15 minutes.

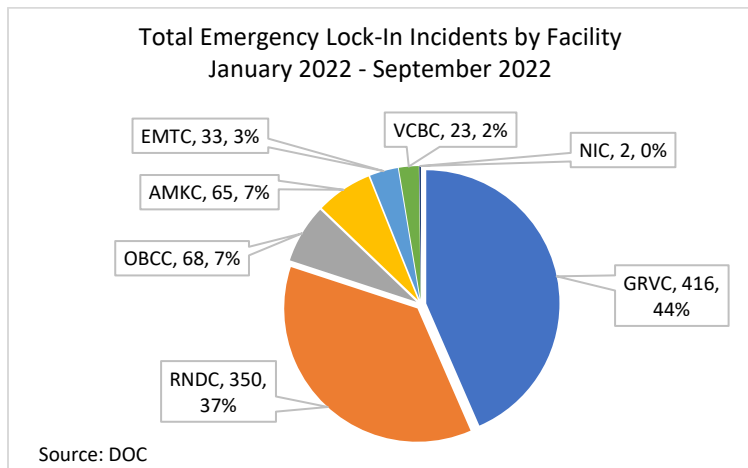
- c. In September 2022, despite reporting only three slashing/stabbing incidents that month—its lowest total of the year—the rate of reported emergency lock-ins at RNDC (73.7) was 300.5% higher than the Department-wide rate (18.4).
3. Across the first 19 days of October 2022, there were 106 reported emergency lock-ins, putting this month on pace to exceed all other months this year to date. Thus far, August had the highest count of reported emergency lock-ins, at 136.

**III. OVERALL TRENDS**

In 2022, the Department’s declarations of emergency lock-ins has increased to levels not seen since January 2019, when the jail population was significantly larger and an additional three jails were in operation—Otis Bantum Correctional Center (OBCC), Brooklyn Detention Complex (BKDC), and Manhattan Detention Complex (MDC).

Two facilities—GRVC and RNDC—are driving the increase in emergency lock-ins.

Despite accounting for just 24.9% (n=1387) of the Department’s total census over the first nine months of 2022, lockdowns at those two facilities accounted for nearly 80.0% (n=766) of all emergency lock-in incidents Department-wide. See Figure 1.



*Figure 1. Total emergency lock-in incidents reported by DOC facilities between January and September 2022.*

GRVC and RNDC are also the two facilities where the Department has blended security risk groups (SRG) or opposing gangs in the housing areas, pursuant to its *Nunez* Action Plan.

In September 2022, RNDC reported 64 emergency lock-ins—its highest monthly count of emergency lock-ins dating to at least 2018. In contrast, in eight months between 2019 and 2020, RNDC reported two or fewer emergency lock-ins. See Figure 2.

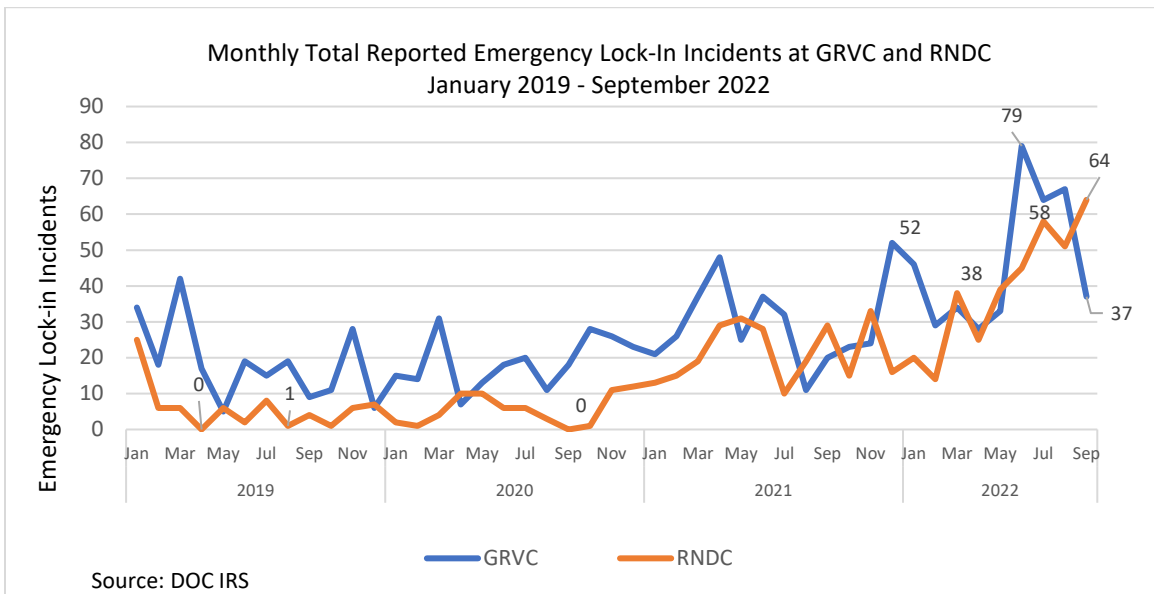


Figure 2. Monthly reported emergency lock-ins totals at GRVC and RNDC between January 2019 and September 2022.

In 2022, the rate of emergency lock-ins declarations has increased disproportionately at GRVC and RNDC, relative to the corresponding figure Department-wide. See Figure 3. In the first nine months of 2022, relative to the emergency lock-in rate Department-wide, the rate of emergency lock-ins (per 1000 PIC) was 285.9% higher at GRVC and 171.2% higher at RNDC.

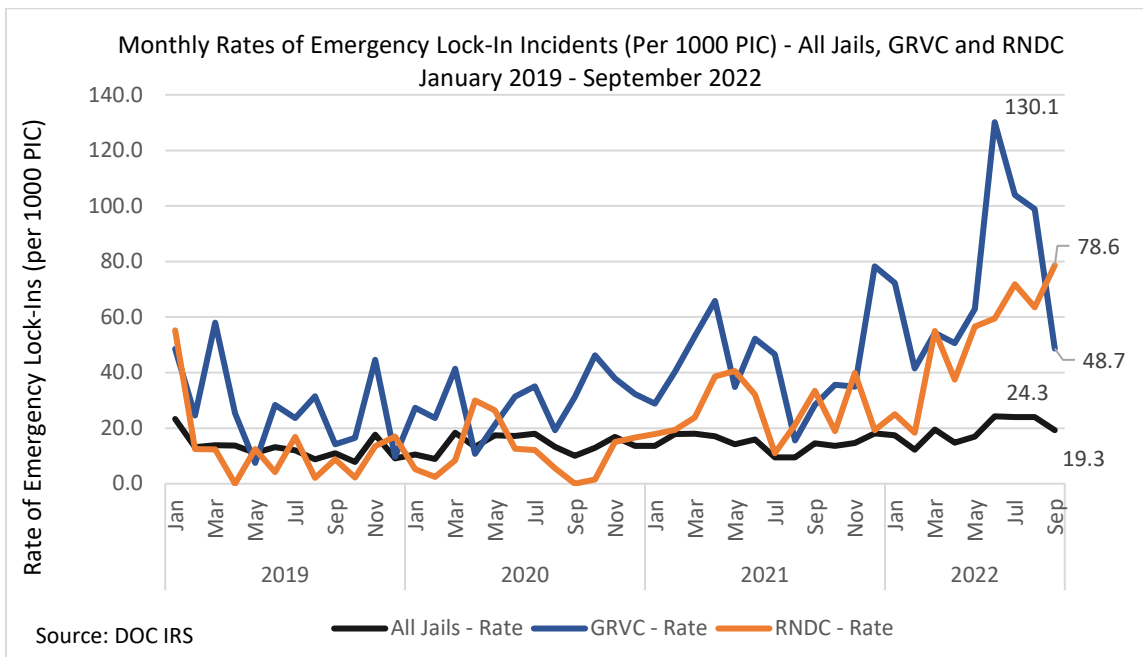


Figure 3. Monthly rates of reported emergency lock-in incidents for GRVC, RNDC, and Department-wide, between 2019 and 2022.

#### IV. REVIEW OF EMERGENCY LOCK-INS AT RNDC IN SEPTEMBER 2022

##### A. Increased Use of Emergency Lock-Ins Despite Decreasing Violence

Despite achieving a substantial reduction in violence, RNDC declared 64 emergency lock-ins in September 2022—the most since at least 2018.

That month, RNDC reported three slashing or stabbing incidents—a 76.5% decrease from the average number of slashing or stabbing incidents in FY22 and the lowest monthly total reported by the facility since February 2021. Also in September 2022, RNDC reported significant reductions from the FY22 average in two other primary violence indicators: fights (-8.9%) and uses of force (-22.4%).

Uses of force at RNDC are trending downward significantly, but emergency lock-ins attributed to uses of force are trending up significantly. In September 2022, the Department attributed approximately 62.5% (n=40) of all emergency lock-ins at RNDC to uses of force, despite the 22.4% reduction in reported uses of force that month relative to the FY22 average. See Table 1.

*Table 1. Monthly rates of reported emergency lock-in incidents for GRVC, RNDC, and Department-wide, between 2019 and 2022.*

RNDC - September 2022		
Reasons Given for Emergency Lock-Ins	Total	%
Use of Force	40	62.5%
Actionable Intelligence	11	17.2%
Multiple Causes	5	7.8%
Slashing/Stabbing	4	6.3%
Fight	3	4.7%
Serious Injury	1	1.6%
<b>Total</b>	<b>64</b>	<b>100%</b>
Source: BOC Analysis of DOC IRS		

##### B. Limited Access to Mandated Services, Educational Services, and Programs

Most reported emergency lock-ins (53.1%, n=34) at RNDC in that month occurred between 7:00 a.m. and 3:00 p.m. Generally, it is during that period when people in custody are afforded Minimum Standards-mandated services, such as access to health and mental health services, visits, law library, religious services, telephones, recreation, showers, and educational services and programs, provided that they are not in lockdown status.

## **V. CONCLUSION**

The substantial reduction in violence that the Department has achieved at RNDC in 2022 has coincided with the Department's disproportionately high and increasing use of emergency lock-ins at RNDC during that same period.

That the rate of emergency lock-in declarations at RNDC has continued to increase at a time when violence trended downward suggests that the reduction in violence at RNDC is attributable at least in part to the reduction of out-of-cell time for people in custody. With less time out of their cells, people had fewer opportunities to engage in violence.

On the other hand, lockdowns impede the ability of DOC and CHS to provide people in custody with mandated services, such as access to health and mental health services, visits, law library, religious services, telephones, recreation, showers, and educational services and programs. Accordingly, lockdowns also contribute to growing tension in the facilities, which can lead to violence.